IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 19423 of 2007(K)

PETITIONER:
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1. N.K. VIJAYAN, S/O. KUNJUKUTTY,
NIRAPPEL, KANJIRAPPALLY, DIST. KOTTAYAM.

2. THULASI, W/O. MOHANA CHANDRAN,
KADAVUPUZHA VEETTIL, PULIKKAL KAVALAYIL,
VAZHOOR VILLAGE, CHANGANASSERY TALUK,DIST.KOTTAYAM

BY ADV. SRI.K.REGHU KOTTAPPURAM

RESPONDENTS:

THE ASSISTANT EXCISE COMMISSIONER,
KOTTAYAM DIVISION, KOTTAYAM.

GOVERNMENT PLEADER SRI.RAVINDRA BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXHIBIT P1: COPY OF LICENCE NO.67/07-08 DATED 1.4.07.

EXHIBIT P2: COPY OF RENT AGREEMENT DATED 4.5.07.

EXHIBIT P3: COPY OF PETITION DATED 14.6.07.

/TRUE COPY/

PA TO JUDGE

P.R.RAMAN & K.HEMA, JJ.

W.P.(C).NO. 19423 OF 2007

Dated this the 28th day of June, 2007

JUDGMENT

Raman, J.

There is a Writ Petition pending as W.P(C).No.17405 of 2007 seeking police protection. In that Writ Petition, the respondent has taken a stand that the shop is not conducted in the premises as licensed. The petitioner realised that there is a mistake in the building number shown in the licence and by filing Exhibit P3 before the respondent, he applied for appropriate correction to be incorporated. Since no orders are passed, he filed the above Writ Petition and seeks appropriate direction to the authority. W.P.(C). No.17405 of 2007 was also posted along with this Writ petition . But before we finally deciding W.P(C).17405/2007, a finality has to be reached regarding the disputed premises.

2. In the facts and circumstances of the case, we direct the respondent, Assistant Excise Commissioner, to consider Exhibit P3 application and dispose of the same in accordance with law within two weeks. It will be open to the respondents in WP(C).No.17405 of

2007 to file objection, if any, before the Assistant Excise Commissioner before considering Exhibit P3 application and they will be given an opportunity of being heard.

The Writ Petition is disposed of as above.

P.R.RAMAN, JUDGE

K.HEMA, JUDGE

vgs.